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6

7 UNITED STATES DISTRICT COURT  
8 DISTRICT OF NEVADA

9 ROBERT BARCELON, an individual )  
Plaintiff, ) Case no.: 2:18-cv-01493-GMN-DJA  
10 vs. )  
11 LANDFORCE CORPORATION )  
Individually; ALBERT LEON HARRIS, )  
12 Individually; DOES I-X and ROE )  
CORPORATIONS I-X, inclusive, )  
13 Defendants. )  
14

15 **STIPULATION AND ORDER REGARDING DEFENDANTS LANDFORCE**  
16 **CORPORATION AND ALBERT LEON HARRIS' MOTION FOR PARTIAL**  
17 **SUMMARY JUDGMENT REGARDING PLAINTIFF'S CAUSE OF ACTION FOR**  
18 **NEGLIGENT ENTRUSTMENT (ECF 64)**

19 COMES NOW plaintiff, by and through his attorney, Ross Moynihan of the law office of  
20 Stovall & Associates, and defendants Landforce Corporation and Albert Leon Harris, by and  
21 through their counsel of record Michael C. Mills, Esq. of the law firm of Bauman Loewe Witt &  
22 Maxwell and hereby enter into the following stipulation regarding the defendants' Motion for  
23 Partial Summary Judgment filed with the court on March 18, 2020. ECF 64.

24 IT IS HEREBY STIPULATED AND AGREED that pursuant to *Ferrer v. Okbamicael*,  
390 P.3d 836 (Colo. 2017), since defendant Landforce admits that it is vicariously liable for the

1 negligence, if any, of its employee defendant Harris in performing tasks in the course and scope  
2 of his employment at the time of the accident at issue in this case, plaintiff's claim for negligent  
3 entrustment is moot and should be dismissed.

4 IT IS FURTHER STIPULATED AND AGREED that with the issues of the defendants'  
5 motion for partial summary judgment resolved by this stipulation, the motion is withdrawn and  
6 should now be vacated as moot.

7 Dated this 8<sup>th</sup> day of June, 2020

Dated this 8<sup>th</sup> day of June, 2020

8 STOVALL & ASSOCIATES

Bauman Loewe Witt & Maxwell, PLLC

9 /s/ Ross Moynihan

/s/ Michael C. Mills, Esq.

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Attorneys for Plaintiff

Attorney for Defendants

13 **ORDER**

14 NOW THEREFORE, based upon the above stipulation of the parties and for good cause  
15 appearing,

16 **IT IS HEREBY ORDERED ORDERED** that Plaintiff's negligent entrustment claim  
17 should be dismissed as moot pursuant to *Ferrer v. Okbamical*, 390 P.3d 836 (Colo. 2017);

18 **IT IS FURTHER ORDERED** that Defendants' Motion for Partial Summary  
19 Judgment, (ECF No. 64), is **DENIED as moot**.

20 **IT IS SO ORDERED**

21 Dated this 9 day of June, 2020

22   
23 Gloria M. Navarro, District Judge  
24 United States District Court